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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,715	10/11/2001	Robert E. Haines	10007587-1	2479

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P.O. Box 272400  
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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/976,715

Applicant(s)

HAINES, ROBERT E.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/11/2001
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 1 – 27 are presented for examination.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “collection data into logical groups” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. Claims 6, 13 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. The limitation of, “collection data into logical groups” is not found in the specification. The Applicant is asked to amend or specifically point out in the specification where this limitation could be in view of the drawings.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 3, 4, 7, 8, 10, 11, 14, 15, 17, 20, 21, 23, 24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Zintel U.S. Patent No. 6779004 (hereinafter Zintel).

6. Referencing claim 1, Zintel teaches a method of device discovery comprising:

7. downloading a device discovery plug in, (e.g. col. 2, lines 29 – 56);

8. activating the device discovery plug in to collect data describing peripheral devices related to a vendor associated with the device discovery plug in, (e.g. col. 2, lines 29 – 56); and

9. transmitting data describing peripheral devices discovered by the device discovery plug in, (e.g. col. 2, lines 29 – 56).

10. Referencing claim 3, Zintel teaches activating the device discovery plug in comprises activating the device discovery plug in to collect data describing hard copy output engines, (e.g. col. 45, lines 23 – 44).

11. Referencing claim 4, Zintel teaches activating the device discovery plug in comprises activating the device discovery plug in to collect data describing hard copy output engines selected from a group consisting of: facsimile machines, photocopiers and printers, (e.g. col. 45, lines 23 – 44).

12. Referencing claim 7, Zintel teaches downloading and activating includes starting a web browser, directing the web browser to a web site associated with the vendor, downloading the device discovery plug in from the vendor web site with the browser and activating the device discovery plug in with the web browser, (e.g. col. 51, lines 12 – 35).

13. Claims 8, 10, 11, 14, 15, 17, 20, 21, 23, 24 and 27 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 9, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zintel (6779004) in view of Pang et al. (6804718) (hereinafter Pang).

16. Referencing claim 2, Zintel does not specifically teach downloading comprises downloading the device discovery plug in across a firewall from a web site associated with the vendor. Pang teaches downloading comprises downloading the device discovery plug in across a firewall from a web site associated with the vendor, (e.g. col. 12, lines 47 – 51). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to combine Pang with Zintel because utilizing a firewall adds security to a system and filters out users and/or data that is not permitted into the network.

17. Claims 9, 18 and 22 are rejected for similar reasons as stated above.

18. Claims 5, 6, 12, 13, 16, 19, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zintel (6779004) in view of Sharpe, Jr. et al. (5960214) (hereinafter Sharpe).

19. Referencing claim 5, Zintel does not specifically teach activating the device discovery plug in comprises activating the device discovery plug in to collect data chosen from a group consisting of: model and serial number information and included options from an embedded web server contained in the discovered peripheral devices.

20. Sharpe teaches activating the device discovery plug in comprises activating the device discovery plug in to collect data chosen from a group consisting of: model and serial number information and included options from an embedded web server contained in the discovered peripheral devices, (e.g. col. 15, lines 10 – 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sharpe with Zintel because organizing a plug in by a specific parameter when searching for a specific plug in, it would make the search more efficient for the user to find the specific plug in if the plug ins were organized in specific groups, (e.g. serial numbers, and models).

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21. Referencing claim 6, as closely interpreted by the Examiner, Zintel does not specifically teach organizing collected data into logical groups. Sharpe teaches organizing collected data into logical groups, (e.g. col. 6, lines 17 - 40, "*database*"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sharpe with Zintel because of similar reasons stated above.

22. Claims 12, 13, 16, 19, 25 and 26 are rejected for similar reasons as stated above.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. a. Jaffrey U.S. Patent No. 6591358 discloses Computer system with operating system functions distributed among plural microcontrollers for managing device resources and CPU.

25. b. Goshey et al. U.S. Patent No. 6327613 discloses Method and apparatus for sharing peripheral devices over a network.

26. c. Shinomura U.S. Patent No. 5935228 discloses Method for automatically enabling peripheral devices and a storage medium for storing automatic enable program for peripheral devices.

27. d. Lichtman et al. U.S. Patent No. 5819107 discloses Method for managing the assignment of device drivers in a computer system.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England  
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Art Unit 2143

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William C. Vaughn  
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